

HOUSE BILL 2285

By Kisber

AN ACT to amend Tennessee Code Annotated, Title 65, Chapter 4, Part 4, relative to telephone business solicitations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 65-4-401, is amended by deleting subdivision (6) in its entirety and by substituting instead the following language:

(6)

(A) "Telephone solicitation" means any voice or facsimile communication over a telephone originating from Tennessee or elsewhere that:

(i) Promotes or encourages, directly or indirectly, the purchase of, rental of, or investment in property, goods, or services;

(ii) Refers a residential subscriber to another person for the purpose of promoting or encouraging the purchase of, rental of, or investment in property, goods, or services; or

(iii) Requests a charitable contribution except as provided for in (B)(ii) of this subdivision;

(B) "Telephone solicitation" does not include voice or facsimile communications to any residential subscriber:

(i) With that subscriber's prior express permission;

(ii) If the communication is made by a bona fide member, volunteer or direct employee of a not-for-profit organization exempt from paying taxes under the Internal Revenue Code § 501(c), provided the voice or facsimile communication is made to request a charitable contribution to be used solely for such not-for-profit organization's exempt purpose;

(iii) Who is an existing customer. For the purposes of this part, an "existing customer" includes a residential subscriber with whom the person or entity making a telephone solicitation has had a prior relationship within the prior twelve (12) months; or

(iv) If the communication is made on behalf of a business and all of the following conditions are met:

(a) A direct employee of the business makes the voice or facsimile communication;

(b) The communication is not made as part of a telecommunications marketing plan;

(c) The business has a reasonable belief that the specific person who is receiving the voice or facsimile communication is considering purchasing the service or product sold or leased by the business and the call is specifically directed to such person;

(d) The business does not sell or engage in telemarketing services; and

(e) The business does not make more than a total of three (3) such voice or facsimile communications in any one (1) calendar week.

SECTION 2. This act shall take effect July 1, 2002, the public welfare requiring it.